IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Xoran Technologies LLC Plaintiff, v. CurveBeam, LLC Defendant.	Hon. _______________________ Civil Action No. ______________ **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff, Xoran Technologies LLC ("Xoran"), for its Complaint for Patent Infringement against CurveBeam, LLC ("Curvebeam" or "Defendant"), alleges the following:

NATURE OF THE SUIT

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code to prevent and enjoin Defendant from infringing and profiting from, in an unlawful and unauthorized manner, U.S. Patent No. 7,394,888 (the "'888 patent"), (attached hereto as Exhibit A), pursuant to 35 U.S.C. § 271. Xoran also seeks to recover damages, attorneys' fees, and costs.

PARTIES

2. Xoran is a Michigan limited liability company having its principal place of business at 5210 South State Road, Ann Arbor, MI 48108.

3. Xoran is a pioneer in the field of Cone Beam Computed Tomography scanning, having invested millions of dollars in advancing the state of low-dose radiation, cone-based CT scanning. Xoran currently has three physical cone beam CT scanners in the market; the MiniCAT IQ, the xCAT, and the VetCAT.

4. Defendant Curvebeam is a Delaware corporation with its principal place of business at 175 Titus Ave, Suite 300, Warrington, PA 18976.

5. Curvebeam currently sells a line of CT imaging systems under the tradename pedCAT. Curvebeam, through its manufacture and sale of pedCAT products, is infringing Xoran's patents-in-suit.

JURISDICTION AND VENUE

6. Xoran's claims for patent infringement against Curvebeam arise under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281. Consequently, this Court has original subject matter jurisdiction over this suit under 28 U.S.C. §§ 1331 and 1338.

7. Curvebeam is subject to specific jurisdiction of this Court because, among other things, the parties entered into a Mutual Confidentiality Agreement (attached hereto as Exhibit B), wherein Curvebeam acknowledged a need for a license before Curvebeam could use Xoran's intellectual property. The Mutual Confidentiality Agreement provides for exclusive jurisdiction in the State of Michigan for any dispute "concerning this Agreement." The parties performed

under the Mutual Confidentiality Agreement by negotiating specific terms of a license until Curvebeam abruptly ceased communications.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and/or 1400(b).

COUNT I

PATENT INFRINGEMENT

(Infringement of U.S. Patent No. 7,394,888)

9. Xoran incorporates by reference Paragraphs 1 - 8 of this Complaint as if set forth below.

10. Xoran owns all right, title, and interest in, and has standing to sue for infringement of the ‘888 patent, entitled “CT Scanner for Lower Extremities,” which was duly issued by the United States Patent Office on July 1, 2008.

11. Curvebeam has infringed and is infringing the ‘888 patent at least through its manufacture, sale, and offers for sale of pedCAT systems.

12. Curvebeam has been and continues to infringe the ‘888 patent, literally and under the doctrine of equivalents, including, but not limited to, claims 21, 23, 24, and 28. (See, Exhibit C)

13. By way of example, claim 21 is directed to a CT scanning system including a support surface to support a lower extremity of a patient, wherein a first axis is defined between an ankle and a knee of the patient. Curvebeam’s pedCAT

system is a CT scanning system which has a support surface to support a lower extremity of a patient, wherein a first axis is defined between an ankle and a knee of the patient:

first axis
pedCAT
pedCAT
support surface

14. Claim 21 additionally includes a gantry supporting an x-ray source and an x-ray detector, wherein the gantry is rotatable about a second axis extending traversely through the support surface, wherein the first axis is generally parallel to the second axis. Curvebeam's pedCAT system has a gantry supporting an x-ray source and an x-ray detector, wherein the gantry is rotatable about a second axis extending traversely through the support surface, wherein the first axis is generally parallel to the second axis:

second axis
pedCAT
pedCAT
gantry is rotatable

15. Curvebeam has been aware of Xoran's '888 patent since at least October 14, 2015. At that time, Xoran advised the President of Curvebeam, Arun Singh, that Curvebeam was practicing claims of the '888 patent and the parties engaged in negotiations for a license to the '888 patent. The discussions were confidential, pursuant to the Mutual Confidentiality Agreement identified above. Curvebeam abruptly ended discussions and has continued its infringement without paying for a license.

16. Curvebeam has continued its infringing activities, despite knowing that there was at least an objectively high likelihood that its actions constituted infringement of the '888 patent. This case is, therefore, beyond the norm and, hence,

subject to discretionary enhancement of damages under 35 U.S.C. § 284 and attorneys' fees and costs under 35 U.S.C. § 285.

17. Xoran has been and continues to be damaged by Curvebeam's actions.

18. To the extent required by law, Xoran has complied with all applicable provisions of 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Xoran prays for the following relief:

A. A judgment finding that Curvebeam has infringed the '888 patent under 35 U.S.C. § 271(a), (b) and (c);

B. A judgment find that Curvebeam's infringement was willful and intentional, and an award of treble damages;

C. A judgment that the '888 patent is valid and enforceable;

D. A permanent injunction enjoining Curvebeam, its agents, officers, assigns and others acting in concert with them, from infringing, inducing infringement of and/or contributing to infringement of the '888 patent;

E. An award of damages adequate to compensate Xoran for the infringement of the '888 patent that has occurred;

F. An award of pre-judgment interest and post-judgment interest on the damages awarded;

G. A judgment that Xoran is entitled to discretionary enhancement of its damages and other relief provided by 35 U.S.C. § 284;

H. A determination that this is an exceptional case and an award of Xoran's attorneys' fees pursuant to 35 U.S.C. § 285 and any other applicable statute or law, and an award to Xoran of its costs; and,

I. Such other further relief as the Court deems reasonable.

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable to a jury.

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